

Health Professions Council - 1 October 2008

Fees consultation – key decisions

Executive summary and recommendations

Introduction

The Council consulted on its proposals on fees between 14 April 2008 and 14 July 2008. The attached document summarises the responses received to the consultation, gives our responses and outlines our decisions in relation to each question.

Decision

The Council is asked to:

- a) approve the decisions outlined in the attached document; and
- b) approve the text of the attached document (subject to any amendments necessary to reflect the decisions made about the fees at the meeting);.

Background information

The consultation document can be found on our website.

<http://www.hpc-uk.org/aboutus/consultations/closed/index.asp?id=67>

The document has been considered by the Finance and Resources Committee on 18 September 2008. They recommended its approval by the Council. A verbal update of the Education and Training Committee decision made on 25 September 2008 will be provided.

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

19 September 2008

Fees consultation 2008 - Key decisions

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Introduction

This document outlines the results of our consultation on raising the level of our registration and scrutiny fees.

We sent a copy of our consultation document, 'Our fees 2008' to over 300 organisations including employers, unions and professional bodies. The consultation document was also made available to download from our website and in hard copy on request.

In this document the responses to our consultation have been structured around the questions we asked in the consultation document. We firstly consider the comments received which relate more generally to our proposals. We then go on to consider responses to each individual consultation question. After the summary of responses for each question, we explain the decisions we have taken following your responses.

In this document 'we' and 'our' refers to the Health Professions Council; 'you' refers to respondents to the consultation.

We would like to thank all those who took the time to respond to the consultation.

You can download a copy of the consultation document from our website:
www.hpc-uk.org/aboutus/consultations/closed

Fees consultation 2006/2007

We last consulted on our fees between December 2006 and February 2007. Following this consultation we made changes to the level of our registration and scrutiny fees. In particular, we set the renewal fee at £72 per year. The new fee became effective from 1 June 2007 and existing registrants paid the new fee the next time they renewed their registration.

We also made a small number of more general decisions. We decided that when we set our fees in future we will minimise cross-subsidisation between different services, wherever reasonable, and also decided to review our fees every two years. We also made a decision in relation to future consultations on fees (please see page 8).

Analysing your responses

Now that the consultation has ended, we have analysed all the responses we received. We cannot include all of the responses in this document, but we do give a summary of them.

We used the following process in recording and analysing your comments:

- The first step was to make a record of each written response to the consultation (whether the response was a letter or an email). When we recorded each response, we also recorded the date it was received and whether the response was given on behalf of an organisation or by an individual.
- When we recorded each response, we recorded whether the person or organisation answered 'yes' or 'no' to each individual question. We also classified each response as to whether the respondent was broadly in favour of our proposals, based on their comments and the balance of their responses to the specific questions. (There were a small number of responses where this was unclear.)
- We read each response and kept a record of the comments we received, related to the questions we asked and the themes which became apparent through the consultation.
- Finally we analysed all the responses. When deciding what information to include in this document, we looked at the frequency and type of responses we received and assessed the strength of feeling of the responses.

Analysis of those who responded

We received 49 responses to the consultation document, 16 of which were from organisations and 33 from individuals. A list of respondents is included on page 19 of this document.

In the consultation document we asked nine questions, eight of which could be answered 'yes' or 'no'. We also invited comments in relation to each question, and asked for any additional comments on our responses.

The table below shows the percentages of respondents who agreed and disagreed with each individual question, how many responded directly to each question and the indicative level of overall agreement and disagreement.

Question	Yes	No	Response Rate
Overall	29%	71%	100%
Question 1	37%	63%	84%
Question 2	39%	61%	86%
Question 3	75%	25%	84%
Question 4	58%	42%	78%
Question 5	87%	13%	86%
Question 6	56%	44%	80%
Question 7	64%	36%	80%
Question 8	50%	50%	78%

Please see pages 9 to 18 for the questions we asked in the consultation.

The statistics give an indication of the strength of feeling in the responses we received. They also give an indication of the views of a number of stakeholders about the future level and structure of our fees, even where there was strong disagreement with our proposals.

Summary of our key decisions

Following your comments we have made some 'key decisions' about our proposals which are outlined below.

- We will set the renewal fee at £76 per year.
- Applicants who have completed an approved course will pay a non-refundable scrutiny fee of £53. The cost of registration for this group of applicants will be £38 per year for the first two years.
- We will charge a readmission fee of £191, which will include the first year of registration.
- We will continue not to charge a readmission fee if we receive an application for readmission within one month of a registrant lapsing from the Register.
- We will charge a fee of £191, including the first year of registration, for applicants applying for restoration.
- We will set the international/EEA scrutiny fee at £420.
- We will set the grandparenting scrutiny fee at £420.
- We will amend our rules to reflect the decisions about our fees outlined in this document.

These changes will be effective from 1 April 2009. Existing registrants will pay the new renewal fee the next time they renew their registration after this date.

Overall comments

In this section we provide a summary of the comments we received throughout the consultation which relate more generally to our overall proposals and our role as a regulator rather than to a specific consultation question.

As an indicative figure, we calculate that 71% of those who responded to the consultation disagreed with our proposals. Many of those who disagreed with our proposals said that our proposed fee increases were above the rate of inflation and that salaries, particularly in the National Health Service, had in some cases failed to keep track with inflation. However, others said our proposals were reasonable and in line with likely inflation over the two year period (please see pages 9-10 for more detail on the responses in this area, in particular responses about the renewal fee). Unison pointed out that many HPC registrants would additionally incur a £64 charge to register with the Independent Safeguarding Authority when it is set up.

A small number of respondents questioned why the cost of registration wasn't covered by their employer or funded by general taxation. In contrast, the Southern Health and Social Services Board said that they recognised that registration and scrutiny fees paid for all of the HPC's running costs. In the consultation document we included a comparison of our fees to those of other regulators of healthcare professionals and the Board said that they considered that HPC's fees were 'competitive'. Other respondents said that the comparison between fees charged by different regulators included in the consultation document was misleading, because of differences in the salaries of healthcare professionals. Another respondent said that some of the regulators cited in the comparison offered a wider range of services than the HPC. They also pointed out that registrants have to pay in addition for professional body membership and the benefits this brings.

Three respondents asked why the cost of fitness to practise proceedings couldn't be recouped from the registrants involved and therefore reduce the HPC's costs. Another respondent said that we need to make our fitness to practise procedure more efficient so that we didn't 'prosecute cases with no basis'. Unison expressed concern at the 'ever growing' cost of fitness to practise matters. They said that they were pleased to acknowledge the work that the HPC had done with Unison in this area and asked us for a commitment to 'continue to examine potential opportunities for greater efficiencies, including reducing the length of ... hearings'.

A small number of respondents said that the HPC failed to offer 'value for money' and said that they had experienced poor service. All Wales Physiotherapy Managers Committee (AWPM) expressed disappointment about the current system of renewing registration. They said that errors had been made which had resulted in physiotherapists lapsing from the Register and concluded: 'An increase in fees can only be justified if a more effective system is implemented.' A registrant echoed this comment, expressing dissatisfaction at the registration process and our customer service levels. The Society and College of Radiographers expressed disappointment that the consultation document failed

to indicate the steps that the HPC had taken in order to maximise efficiency and minimise costs.

Two registrants questioned the validity of the consultation process. One said they thought it was 'a complete waste of time' and that we would not take on board the comments we received. Another registrant expressed dissatisfaction that they had not received a copy of the consultation document at their home address and had only discovered that a consultation was taking place by 'word of mouth'.

Unison said that there was inconsistency in the effective date of the proposed fee increases, compared to the effective date following the last review. They recommended that in future any fee changes should be applicable from 1 April each time, in line with NHS pay timetables.

Our comments

We recognise and understand your concerns about the level of our fees, and many of you urged us to pay close attention to our costs. We are committed to ensuring that we undertake our functions efficiently and effectively, including keeping close control of our costs and making best use of our available finances and resources. Respondents were divided as to whether the level of the proposed increases exceeded, or was, in line with the rate of inflation.

The rate of inflation as measured by the Consumer Prices Index (CPI) was 2.1% in 2005, 2.3% in 2006 and 2007, and is currently at 4.4% (August 2008).¹ We believe that the rate of proposed increases to the registration and scrutiny fees are broadly in line with likely inflation over the period 1 June 2007, the date of the last change in fees and 1 April 2009, the proposed implementation date for the new fees. If agreed, the intention is for those fees to remain in place until 1 April 2011.

When we consulted on our fees in 2006/2007, we received a mixture of comments about the level of detail in the consultation document. Some respondents said that we had failed to provide sufficient detail to justify our proposals, whilst others argued that we had provided too much detail. In this consultation, we attempted to strike the right balance between enough information and signposting to sources of other available information. For example, our annual report includes comprehensive information about our finances; the papers considered by our Finance and Resources Committee and minutes of their meetings are available on our website. However, we acknowledge that this information might not be considered readily accessible by all stakeholders. When we consult on our fees in the future we will review the information we provide so that our proposals are clearly explained.

Some of you said that the comparison of our fees with those of other regulators of healthcare professionals included in the consultation document was misleading or incomplete. As we acknowledged in the consultation document, the comparison has to be treated with caution as variation in the fees structures of the different regulators can make like for like comparison difficult. We also

¹ Source: Office for National Statistics, www.statistics.gov.uk

acknowledge that although the functions of all regulators are broadly the same, there is some variation. For example, some regulators presently have an additional role in promoting the profession as well as protecting the public. However, the comparison table does highlight the benefits of multi-professional regulation by achieving economies of scale and our fees compare well overall with those of the other regulators. For example, our proposed new renewal fee is £76 for around 180,000 registrants, the same as that charged by the Nursing and Midwifery Council, with close to 700,000 registrants.

A small number of respondents were concerned about the cost of our fitness to practise process and one registrant suggested that we should recoup this cost from registrants involved in the process. We do not have any power to do this. The function of our fitness to practise is not to punish individual registrants (and this would be implied if we were to introduce financial penalties) – it is to take appropriate action to protect members of the public. We are very much committed to ensuring that we conduct our role in fitness to practise fairly and efficiently, with close attention to our costs.

Two registrants responded with contrasting views on the validity of the consultation process. The Health Professions Order 2001 requires that we must consult our stakeholders before we make any changes to our fees. We also believe that as an organisation it is vital that we consult our stakeholders so that we can take account of their views. When we last consulted on our fees in 2006/2007, we amended some of our proposals in light of the feedback we received.

When we consulted on our fees in 2006/2007, we sent a copy of the consultation document to each registrant on the Register, as well as to our consultation list of around 300 individuals and organisations. We received feedback from many registrants who were concerned about the cost of the consultation exercise. In response to these comments, we decided that if we were to propose future increases in fees which were broadly in line with inflation, we would not send a copy of the consultation document to each registrant. Instead we would send a copy of the consultation document to the stakeholders on our consultation list and make copies of the consultation document available on request and via our website. We also said at that time that we would send a letter to all registrants telling them about the consultation.

When we came to decide on our fees proposals for this consultation, we decided not to send a letter to all registrants about the proposals. We believe that it is important that we strike the right balance between consulting widely and keeping the costs of any consultations at a reasonable level. In particular, the costs of writing to all registrants are significant. We decided that as we were not proposing a significant increase or a substantial change to the overall structure of the fees, we would not on this occasion write to all registrants. The consultation was publicised via an article in our newsletter 'HPC In Focus'; a press release which was picked up by many journals published by professional bodies representing registrants; and information about the consultation appeared on the front page as well as the consultation section of our website.

Our questions

In this section we consider the comments made in relation to each question. Under each question we have indicated the percentage in agreement or disagreement and the percentage of respondents answering the specific question.

Q1. Do you agree that the renewal fee should rise from £72 to £76?

- 37% agreed; 63% disagreed. The response rate was 84%.

The majority of respondents disagreed with the proposed increase in the renewal fee. Many respondents did not make specific comments in relation to this question. Amongst those who did, some of the comments made applied equally to the other questions we asked. Those who disagreed with our proposal said that the proposed increase in the renewal fee was above the rate of inflation.

The College of Occupational Therapists said: 'Our members are opposed to the proposed fee increase especially in the climate where their pay is not in keeping with inflation.' These comments were echoed by the Chartered Society of Physiotherapy and Society and College of Radiographers both of whom strongly opposed the proposed increase in the renewal fee and in the registration and scrutiny fees generally. The Acupuncture Association of Chartered Physiotherapists recognised the cost of regulation, but said that our proposals were 'out of balance' with the current rate of inflation and pay awards. They said that the current rate of inflation was estimated at 2.6%, whilst the pay award for physiotherapists working within the NHS was set at 2.5%. Unison disagreed with proposed rise and said that this would 'equate to an annual increase of 3.33%' since the previous increase in June 2007.

Unite-Amicus North and East Manchester Health Service Branch said that the renewal fee should rise by a maximum of 4%, which would amount to an increase to £74.88. The All Wales Physiotherapy Managers Committee said that they 'reluctantly' agreed to an increase 'in line with inflation'. However, they pointed out that the proposals across the board varied from 5% to 5.6% and said that this difference needed to be accounted for. The Chartered Society of Physiotherapy said that the consultation document did not indicate whether the proposed increase was above the rate of inflation.

Amongst those who agreed, one registrant said that the proposed increase was 'modest' whilst another said that they agreed with the proposed fee and understood the reasons for the increase. The Institute of Chiropodists and Podiatrists said that proposed fee increases overall were 'roughly in line with the rise in the cost of living' and could be justified.

Three respondents were concerned about the impact of the renewal fee, and other fees, upon part time workers. In the consultation document, we explained why we were not making proposals in this consultation for a discount for part time workers. Unison said that they were disappointed at our response about part time workers and asked that we give this further consideration. They said that the

majority of our registrants were women, some of whom had caring responsibilities and therefore could only work part time. They pointed to their own system of pro-rata fees as an indication of how such a system might work. They further asked that we undertake a thorough equality impact assessment of our proposals, and publish this. The British Society for Immunology said that not doing anything for part time workers was 'unfair'.

Our comments

Most of the comments we received in response to this question debated whether the proposed rise was in line with inflation. We believe that the proposed rise is in line with likely inflation.

Following responses we received during the last fees consultation, we decided that we would review our fees every two years. This was because the majority of respondents said that they would prefer small, incremental increases in fees. We have decided that the renewal fee will increase to £76 and that this is necessary to ensure that we cover our costs and continue to function effectively as a regulator. The new fee would become effective on 1 April 2009 and be payable by existing registrants the next time they renew their registration after this date.

We have carefully considered the small number of comments we received about introducing a reduced fee for registrants who work part time. We understand the concerns of these respondents, that a flat fee might disproportionately impact certain groups of registrants who were more likely to work part time than others. We are not bound by the specific duties in equality legislation to produce an equality and diversity scheme or publish formal equality and diversity impact assessments. However, in 2008 we decided that, as part of good practice, we would publish a scheme. The scheme outlines our approach to impact assessment. In particular, each HPC Department undertakes an assessment as part of yearly departmental planning.

We have carefully considered the comments we received about registrants who work part time but have concluded that it would not be appropriate to introduce discount for part time workers. This is because our costs in undertaking our role as a regulator are the same, regardless of whether a registrant works part time. In addition, we believe that the costs in implementing a system whereby we would need to check whether a registrant was working part time would be prohibitive. In particular, the additional cost of operating such a system would inevitably need to be passed on to all registrants, including those who work part time.

Key decisions

- We will set the renewal fee at £76.

Q2. Do you agree that the scrutiny fee for applicants from approved courses should rise from £50 to £53?

- 39% agreed; 61% disagreed. The response rate was 86%.

The majority of those who responded to this question disagreed with the proposed increase to the scrutiny fee. One registrant said: 'I feel that new graduates have sufficient financial pressure without adding to their problems.' This comment was echoed by other respondents, one of whom questioned the scrutiny fee given that the 'amount of checking' of these applicants undertaken by the HPC was 'minimal'. The Chartered Society of Physiotherapy said that they did not support this increase and noted that the scrutiny fees for other regulators with similar approved courses had not been published for comparison.

Two respondents questioned whether these costs should be recouped from other sources. The Southern Health and Social Services Board said: 'As this fee is to cover the costs of visiting education providers it would be appropriate that a percentage of this cost should be passed on to the education provider rather than the registrant attending the approved course.' NHS Education for Scotland similarly expressed unease about the scrutiny fee, concluding that; '...course approval is the responsibility of the whole workforce and ... this cost should not be borne by new applicants from approved courses alone.' However, they also said that they considered the proposed level of increase was not unreasonable. The All Wales Physiotherapy Managers Committee said that they acknowledged the workload involved and supported 'the nominal increase in fees to support the process'.

Our comments

We received a small number of responses about the ability of new entrants to the professions to pay the scrutiny and registration fees, in keeping with the responses we received when we last consulted on our fees.

We believe that it is important we strike the right balance between recognising the ability to pay of new applicants for registration, many of whom may not have commenced paid employment or be in receipt of a job offer, against the need to ensure, as far as possible, that cross-subsidisation between different services and fees is minimised.

We do not have powers to charge education providers for the cost of approving their courses (we often refer to their courses as 'programmes'). The scrutiny fee covers some of the direct costs of approving education and training programmes; a proportion of these costs are also accounted for in the renewal fee charged to all registrants. The scrutiny fee also accounts for the costs we incur in processing applications for registration.

Key decision

- Applicants who have completed an approved course registering for the first time will pay a non-refundable scrutiny fee of £53.

Q3. Do you agree that applicants from approved courses should continue to receive a 50% discount on registration fees for the first two years?

- 75% agreed; 25% disagreed. The response rate was 84%.

The majority of respondents to this question agreed that applicants from approved courses (also known as 'approved programmes') should continue to receive a 50% discount on registration fees for the first two years. The Society of Sport Therapists said that they believed the discount to be 'a noble, generous and sensible strategy'. A registrant said that they 'strongly agreed' with helping newly qualified registrants.

One registrant questioned why other registrants were subsidising the registration fee of new registrants and suggested a one year discount. Another registrant said that other groups of registrants were also less able to pay, including those returning to work after a career break and the unemployed. They said: 'These people may therefore feel discriminated against...'

Our comments

The majority of respondents agreed that we should continue to offer a 50% discount on registration fees to applicants from approved courses for the first two years. We have decided to keep the discount in place.

We acknowledge that there may be other registrants or groups of registrants who, from time to time, may be less able to pay the full registration fee. However, we believe that this discount is appropriate for new entrants to the Register from approved courses, which number around 7000 each year. We also believe that extending a discount to other smaller groups who might not be as easily identifiable would be prohibitive and unnecessarily complicate the structure and administration of the fees overall.

Key decisions

- Applicants from approved courses registering for the first time will continue to receive a 50% discount on the cost of registration for the first two years.

Q4. Do you agree that the readmission fee should rise from £182 to £191?

Q5. Do you agree that we should continue not to charge the higher readmission fee if we receive an application for readmission within one month of a registrant being lapsed from the Register?

- 58% agreed with question four; 42% disagreed. The response rate was 78%.
- 87% agreed with question five; 13% disagreed. The response rate was 86%.

The majority of respondents agreed with both questions, although only 78% of respondents specifically answered the question about the proposed increase in the readmission fee.

Comments made in relation to the proposed increase in the readmission fee included the level of the readmission fee compared to the restoration fee, the renewals process and the impact of the fee upon those who do not lapse from the Register in error but instead take career breaks.

One registrant said that they disagreed with the proposed new fee, but that, in any event, it ought to be less than the restoration fee. The Chartered Society of Physiotherapy agreed and said that the consultation document failed to justify why the two fees were being set at the same level. They also pointed out that many of the regulators included in the comparison table charged the same amount for renewal and readmission. Two other respondents suggested different amounts for the fee - £190 and £200 respectively.

One registrant said that the fee should not increase because they would penalise registrants who experience 'administrative errors' by the HPC. The Southern Health and Social Services Board said that it was 'the duty of the registrant to maintain professional registration' and agreed with the proposed rise in the fee. However, they noted that there was a distinction between those registrants who take a career break, and those who lapse because they fail to return their renewal form on time. A registrant said that those who have taken a break for travel or maternity should not be 'penalised' by readmitting to the Register and should instead be allowed to suspend their membership.

In relation to the 'grace period', some respondents said that the period should be longer, some said that there should be no 'grace period', and others were concerned about what they saw as errors in the renewals process which might lead to registrants lapsing through no fault of their own.

One registrant argued that a three month period would be more appropriate. However, another registrant said that renewal dates were now very well known in the professions and renewal notices sent far in advance and therefore argued that the higher readmission fee should be paid by all those who failed to renew

on time. The Society of Sports Therapists urged us to enforce the one month period 'conscientiously'.

NHS Education for Scotland said that the period should be extended to 60 days and expressed concern at the number of physiotherapists who had recently lapsed from the Register. The Society and College of Radiographers agreed with the proposal and said: 'There will always be cases where registrants lapse for no fault of their own.' They said that they had welcomed the opportunity to work with the HPC in order to cut the number of radiographers lapsing from the Register in the next renewal period. The Chartered Society of Physiotherapy proposed that: '...in all cases where it can be demonstrated that an administrative mistake of the HPC had led to the lapse in registration this additional cost should not be passed on to the registrants.'

Our comments

Many of the specific comments we received in relation to these questions were around the administrative process of renewal of registration. The process we follow when someone applies for readmission is set down in our governing legislation and rules. We require an applicant to fill in a readmission form and to provide new health and character references.

Each profession renews its registration in two yearly cycles. We send each registrant a renewal form approximately three months before the renewal date. Each registrant is asked to sign a declaration confirming that they have continued to practise their profession and continue to meet our standards, and to either pay the requisite fee or confirm that they wish to pay by direct debit. If we have not received a completed form we send a reminder to each registrant one month prior to their profession's renewal date. We have worked hard to improve the information we send out to registrants and regularly work with the professional bodies so that registrants are reminded to return their forms to us on time.

An analysis of past renewal data has shown us that typically around a quarter of those who lapse will apply to come on to the Register within 150 days. However, around half of those who lapse either do not apply for readmission for a significant period, or never apply for readmission (perhaps because of a career change or retirement). Since 2003, the overall trend has been that the proportion of registrants lapsing overall has reduced as registrants become familiar with the renewal process. However, we acknowledge recent instances in which certain professions have experienced a small increase in the proportion of registrants lapsing.

The most common reasons for short lapses in registration are a failure to return the renewal form on time or because we have not been informed of a change of address. It is very important that we are informed of a change of address at the earliest opportunity and we can accept changes of address in writing or by telephone to our Registration Department. However, we do acknowledge that errors sometimes occur and we will always seek to rectify the problem swiftly if this is the case. We will never charge the higher readmission fee if the reason for the lapse of registration was our error.

The comments we received in relation to the level of the readmission fee compared to the restoration fee are addressed in relation to the following question.

Key decision

- We will charge a readmission fee of £191, which will include the first year of registration.
- We will continue not to charge a readmission fee if we receive an application for readmission within one month of a registrant lapsing from the Register.

Q6. Do you agree that the restoration fee should rise from £182 to £191?

- 56% agreed; 44% disagreed. The response rate was 80%.

The majority of respondents agreed with our proposal. NHS Education for Scotland said that the proposed fee was 'not unreasonable' especially as the fee would apply for two years.

However, other respondents argued that the fee should be higher. One registrant argued for a higher fee and said: 'I would have thought that the costs of investigating a return to practise after being struck off would be greater than merely renewing a lapsed registration.' The Society of Sport Therapists suggested that we set the fee at £200. The Chartered Society of Physiotherapy noted that we had not included in the consultation document a comparison of the restoration fees charged by other regulators.

Our comments

Restoration is the process by which someone who was struck off may apply to be re-registered. We can only consider applications after someone has been struck off for at least five years. The decision is made by a Panel of the Practice Committee that originally struck off the applicant. The Panel may only restore someone to the register if they are satisfied that the applicant is capable of safe and effective practice and, having regard to the circumstances which led to striking off, that the applicant is also a fit and proper person to practise the relevant profession.

If the Panel decides to restore a person to the Register, they do so on condition that they applicant pay the relevant fee and provide health and character references. As with other fitness to practise proceedings, we are not able to impose costs but can recover the costs we incur in processing their application. We therefore propose that the restoration fee should be set at the same level as the readmission fee, as the costs in the application processing stage of these processes is the same.

Since our Register opened in 2003, we have only received one application for restoration.

Key decision

- We will charge a fee of £191, including the first year of registration, for applicants applying for restoration.

Q7. Do you agree that the scrutiny fee for international and EEA applications should rise from £400 to £420?

- 64% agreed; 36% disagreed. The response rate was 80%.

The majority of respondents agreed with our proposal to increase the scrutiny fee. The Chartered Society of Physiotherapy said that they agreed in principle that there should be an increase. The Society and College of Radiographers said that this is an area in which their members would generally be happy to see an increase, but said that we had failed to justify in the consultation document why this was necessary.

Two registrants said that the fee should be higher. One said: 'I would propose charging overseas physios as much as possible given our current National vacancy issues, to help bring down the cost of charges for the rest of us.' Another questioned why, in percentage terms, the international and EEA fees were going up by less than other fees.

NHS Education for Scotland disagreed with the proposal and said that the fee was already too high. They had concerns for the impact on the workforce where overseas qualified registrants play a significant role. In addition they said that they were not convinced that the current international process was necessarily the best approach. The All Wales Physiotherapy Managers Committee acknowledged the importance of 'rigorous standards' when making assessment decisions. They said: 'We would like to see additional funds allocated to the identification and analysis of competencies gained by our overseas colleagues.'

Our comments

Whilst the majority of those who answered this specific question were supportive, we received comments about the process of assessing international applicants and the level of proposed fee.

The fee proposed was calculated following a costing exercise we undertook in order to better establish the cost of considering such applications. The costs include recruiting and training registration assessors and paying them for their work, and the resources involved in processing applications. We have proposed a small increase to this fee in line with the increases proposed to the other fees to ensure that our costs are accounted for. We do not charge the fee to applicants who hold refugee status or who have humanitarian, discretionary or exceptional leave to remain.

We assess applications individually in order to decide whether we can register the applicant. As the content of education and training programmes and models of healthcare delivery vary throughout the world, we believe that it is important that we assess each applicant against our standards of proficiency, which describe the threshold standards for safe and effective practice in each of the professions we register. We also think that this approach is fair to individual applicants, because it allow us to take into account the combination of their education, training and experience in making our decision. We do not have any powers to directly approve overseas education and training programmes.

Key decision

- The international/EEA scrutiny fee will be set at £420.

Q8. Do you agree that the scrutiny fee for grandparenting applications should rise from £400 to £420?

- 50% agreed; 50% disagreed. The response rate was 78%.

Respondents to this specific question were split on whether the scrutiny fee should increase. Many respondents made no comment or said that the proposed increase was reasonable.

Those who disagreed with the proposed increase were concerned about the impact of the fee upon new professions joining the HPC Register. NHS Education for Scotland said: 'The percentage rise in scrutiny fee for grandparenting does not appear unreasonable when looked at in isolation.' However, they were concerned that additional costs would be incurred by aspirant professions preparing for grandparenting and that the level of the fee could mean that practitioners decided not to register. They asked us to consider making the fee comparable to that charged for restoration.

The British Association for Counselling and Psychotherapy similarly disagreed with the proposed increase, saying that this would have a 'disproportionate' impact on those counsellors and psychotherapists who work part time, especially those who work in the third sector. They said: 'Part time and voluntary practitioners would find the £420 fee prohibitive and would not register. They would continue to work using other descriptions such as 'befriender'. This would result in a reduction of public protection.' They suggested that we should consider making the assessment process more efficient to reduce the cost.

Our comments

We are sensitive to the anxieties of those who said the level of our proposed scrutiny fee was too high. However, in line with the responses to the last consultation we undertook, we believe that it is important that existing registrants do not subsidise the cost of applications made via the grandparenting route. It is further important that we operate a fair but robust system of assessment in deciding which applicants meet our standards.

The fee proposed was calculated following a costing exercise we undertook in order to better establish the cost of considering such applications. The costs include recruiting and training registration assessors and paying them for their work, and the resources involved in processing applications. We have proposed a small increase to this fee in line with the increases proposed to the other fees to ensure that our costs continue to be accounted for.

When we regulate a new profession, what would normally happen is that there would be a transfer of a voluntary register or registers maintained by professional bodies. This means that someone whose name appeared on that register on the day that regulation is introduced would transfer to the HPC Register. These practitioners would not need to apply via grandparenting or pay a scrutiny fee as they automatically become HPC registered. The number of grandparenting applications we receive varies depending on the history and development of each profession.

We are establishing a Professional Liaison Group (PLG) which will explore the issues around the statutory regulation of psychotherapists and counsellors. As part of this work, the group will discuss which voluntary registers should transfer and the grandparenting process.

Key decision

- The grandparenting scrutiny fee will be set at £420.

Q9. Do you have any further comments on our proposals?

The majority of respondents did not respond directly to this question. Where comments were made in relation to this question, they have been incorporated in relation to the other questions, as appropriate, or in the overall comments section of this document.

List of respondents

Below is a list of those who provided responses to the consultation. Where a response has been made on behalf of an organisation we have given the name of the organisation in the text. Where the response comes from an individual we have not.

We received 49 responses, 16 of which were from organisations and 33 from individuals.

We would like to thank all those who responded for their comments.

Acupuncture Association of Chartered Physiotherapists
All Wales Physiotherapy Managers
Board of Community Health Councils in Wales
British Association for Counselling and Psychotherapy
British Society for Immunology
Chartered Society of Physiotherapy
College of Occupational Therapists
Institute of Biomedical Science
Institute of Chiropractors and Podiatrists
NHS Education for Scotland
Society of Analytical Psychology
Society and College of Radiographers
Society of Sports Therapists
Southern Health and Social Services Board
Unison
Unite-Amicus North and East Manchester Health Service Branch